

AUGUST 14, 2006 DRAFT AGRICULTURAL MITIGATION POLICIES

“TIMING AND FULFILLMENT OF MITIGATION” SECTION

Summary of Policies in Section

1. Conditional Approval
2. Agricultural lands or conservation easements must be acquired or transferred or the in-lieu fees be paid within 2 years of conditional approval
3. LAFCO will issue a Certificate of Completion upon fulfillment of the conditions of approval.
4. If conditions of approval are not met within 2 years, conditional approval will expire. Further consideration will require new application.
5. City will not be able to approve the related city-conducted annexation until LAFCO issues Certificate of Completion for approval of an USA.
6. LAFCO will not accept other USA amendment proposals from city until the agricultural mitigation is provided for the city's previous USA amendment approvals.

Reasons for LAFCO Staff Recommendation

- Inclusion in USA boundary is the first step in converting agricultural lands to urban uses. Therefore, ideally mitigation must be provided at the time of or prior to LAFCO approval of boundary change. In order to provide flexibility, conditional approval is an option.
- LAFCO's authority ends with the approval of the USA amendment. LAFCO has no control over annexation or land development after USA amendment approval. It is LAFCO's responsibility to ensure that mitigation has occurred.
- Strikes a balance between ensuring timely effective mitigation and ensuring that the requirements are practical and reasonable.
- Provides some flexibility while ensuring certainty of obtaining mitigation.
- Will help LAFCO monitor compliance with agricultural mitigation requirements.
- Will ensure that agricultural mitigation is completed for prior projects before approving additional projects that require agricultural mitigation.
- Will enable LAFCO and the agencies to work out any issues before proceeding with other applications

Stakeholder Suggestions and Concerns

- LAFCO should base its approval on agreements between property owners and cities to enforce LAFCO's mitigation requirements and not conditional approvals.
- Need longer time frame to complete mitigation requirements, particularly in the case of large-scale projects. A short time frame does not address special circumstances.
- Delaying effective date of USA amendment is problematic and prevents developer from obtaining financing needed to meet agricultural mitigation requirements. Furthermore, without LAFCO approval, the project cannot proceed through a city's development process.
- The status of one USA amendment application should not affect LAFCO's consideration of other USA amendment applications.

DECEMBER 6, 2006 DRAFT AGRICULTURAL MITIGATION POLICIES

“TIMING AND FULFILLMENT OF MITIGATION” SECTION

Summary of Policies in Section (Policy changes are underlined)

1. Conditional Approval
2. Agricultural lands or conservation easements must be acquired or transferred or the in-lieu fees must be paid within 3 years of conditional approval
3. LAFCO will issue a Certificate of Completion upon fulfillment of the conditions of approval.
4. If conditions of approval are not met within 3 years, applicant may apply to LAFCO for an extension, not exceeding 1 year. Further consideration will require new application.
5. City will not be able to approve the related city-conducted annexation until LAFCO issues Certificate of Completion for approval of an USA amendment.
6. Discourages submittal of additional USA amendment proposals involving agricultural lands if agricultural mitigation has not been completed for the city's previous approvals.
7. Status of pending agricultural mitigation will be a factor that LAFCO will consider in the evaluation of proposals involving agricultural lands.

Reasons for LAFCO Staff Recommendation

- Provides even greater flexibility and addresses special and/or unique circumstances, while ensuring timely compliance. Some stakeholders recommended the specified time frame.
- Provides greater flexibility, while helping LAFCO ensure that mitigation is completed for prior projects before approving additional projects that require agricultural mitigation.
- Helps LAFCO monitor compliance with LAFCO's mitigation requirements. Helps LAFCO in its evaluation of cumulative impacts to agricultural lands, its analysis of orderly growth and development, and its understanding of what mitigation lands are available.

Stakeholder Suggestions and Concerns

- Conditional approval is problematic. It will prevent projects from getting financed and developed. Thus, preventing agricultural mitigation from being provided.
- Eliminate time frames. Instead, agricultural mitigation should be met prior to city approval of final map and city issuance of grading or building permits.
- Approval of USA amendment should not be tied to meeting agricultural mitigation requirements.
- Status of pending agricultural mitigation for one USA proposal should not affect LAFCO's consideration of another USA amendment application.
- Two years is sufficient time to comply with LAFCO's agricultural mitigation requirements.
- LAFCO should not consider new USA amendments if agricultural mitigation requirements for prior USA amendments are incomplete.